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REMARKS

This is a full and timely response to the outstanding final Office Action mailed October 20, 2005. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

1. Response to Rejection of Claims 22-25 Under 35 U.S.C. § 102(e)

Claims 22-25 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Brot* (U.S. Pat. No. 6,522,348). Applicants respectfully traverse this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the *Brot* reference. Applicants discuss the *Brot* reference and Applicants' claims in the following.

a. Claim 22

As provided in independent claim 22, Applicants claim:

A flexible printing system comprising:
a printer comprising:
memory that stores updateable printing characteristics; and
a print characteristics transfer mechanism;
a network connection that enables the printer to access a
network; and
*a printer data memory that stores a uniform resource locator,
the printer data memory coupled to the print characteristics transfer
mechanism in order to transfer the uniform resource locator to the
printer, wherein the printer is configured to download data from a
web site corresponding to the URL if the data is compatible with
printing capabilities of the printer.*

(Emphasis added).

Applicants respectfully submit that independent claim 22 is allowable for at least the reason that *Brot* does not disclose, teach, or suggest at least the feature of "a printer data memory that stores a uniform resource locator, the printer data memory

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coupled to the print characteristics transfer mechanism in order to transfer the uniform resource locator to the printer, wherein the printer is configured to download data from a web site corresponding to the URL if the data is compatible with printing capabilities of the printer," as recited and emphasized above in claim 22.

While *Brot* discloses at most a "chip 4 that sends on-line the call number of the server and then, communication having been established, the chip transmits data to the server identifying the type of cartridge, such as a reference number." Col. 3, lines 5-9 (Emphasis added). Therefore, *Brot* fails to teach or suggest "a printer data memory that stores a uniform resource locator, the printer data memory coupled to the print characteristics transfer mechanism in order to transfer the uniform resource locator to the printer, wherein the printer is configured to download data from a web site corresponding to the URL if the data is compatible with printing capabilities of the printer," as recited and emphasized above in claim 22. For example, *Brot* discloses that a reference number of a ribbon cartridge is provided to a server, such that data is transferred based upon a type of ribbon cartridge and not the printing capabilities of the printer itself. Accordingly, claim 22 is not anticipated by *Brot*, and the rejection should be withdrawn for at least this reason alone.

b. Claim 23-25

Because independent claim 22 is allowable over the cited art of record, dependent claims 23-25 (which depend from independent claim 22) are allowable as a matter of law for at least the reason that the dependent claims contain all the elements and features of independent claim 22. For at least this reason, the rejection of claims 23-25 should be withdrawn.

2. Response to Rejection of Claims 1, 4, 7, 9, 28, and 31 Under 35 U.S.C. § 103(a)

Claims 1, 4, 7, 9, 28, and 31 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Hirst* (U.S. Patent No. 5,930,553) in view of *Bullock* (U.S. Patent No. 5,835,817). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow*

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Chemical, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 1

As provided in independent claim 1, Applicants claim:

A flexible printing system comprising:
a printer comprising memory that stores a set of updateable print characteristics and a print characteristics transfer mechanism; and
a printer consumable comprising memory that stores a set of print characteristics, *the printer consumable coupled to the print characteristics transfer mechanism in order to update the set of updateable print characteristics in the printer memory if the print characteristics are compatible with the printing capabilities of the printer, wherein the updateable characteristics include finishing processes.*

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Hirst* in view of *Bullock* does not disclose, teach, or suggest at least "a printer consumable comprising memory that stores a set of print characteristics, the printer consumable coupled to the print characteristics transfer mechanism in order to update the set of updateable print characteristics in the printer memory if the print characteristics are compatible with the printing capabilities of the printer, wherein the updateable characteristics include finishing processes," as recited and emphasized above in claim 1.

In particular, Applicants respectfully submit that the cited art fails to teach or suggest that print characteristics are updated based upon compatibility of the print characteristics with the printing capabilities of the printer. Rather, in much or all of the cited art, updates are performed based solely upon a replacement of a printer consumable.

Therefore, claim 1 is patentable over the cited art, and the rejection should be withdrawn for at least this reason alone.

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b. Claims 4, 7, and 9

Because independent claim 1 is allowable over the cited art of record, dependent claims 4, 7, and 9 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 4, 7, and 9 contain all the elements and features of independent claim 1. For at least this reason, the rejection of claims 4, 7, and 9 should be withdrawn.

c. Claim 28

As provided in independent claim 28, Applicants claim:

A printer cartridge apparatus having a capability for printing on media and updating printing characteristics of a printer, the apparatus comprising:

memory that stores printing characteristics for use by the printer;

means for transferring the printing characteristics to the printer, the means coupled to the memory, *wherein the printer is configured to update printing characteristics of the printer with printing characteristics of the printer cartridge apparatus if the printing characteristics of the printer cartridge apparatus is compatible with printing capabilities of the printer*; and

means for printing on the media, wherein the printing characteristics include finishing parameters.

(Emphasis added).

Applicants respectfully submit that independent claim 28 is allowable for at least the reason that *Hirst* in view of *Bullock* does not disclose, teach, or suggest at least "wherein the printer is configured to update printing characteristics of the printer with printing characteristics of the printer cartridge apparatus if the printing characteristics of the printer cartridge apparatus is compatible with printing capabilities of the printer," as recited and emphasized above in claim 28.

In particular, Applicants respectfully submit that the cited art fails to teach or suggest that print characteristics are updated based upon compatibility of the print characteristics with the printing capabilities of the printer. Rather, in much or all of the cited art, updates are performed based solely upon a replacement of a printer consumable.

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Therefore, claim 28 is patentable over the cited art, and the rejection should be withdrawn for at least this reason alone.

d. Claim 31

Because independent claim 28 is allowable over the cited art of record, dependent claim 31 (which depends from independent claim 28) is allowable as a matter of law for at least the reason that the dependent claim contains all the elements and features of independent claim 28. For at least this reason, the rejection of claim 31 should be withdrawn.

3. Response to Rejection of Claims 2, 12-15, and 17 Under 35 U.S.C. § 103(a)

Claims 2, 12-15, and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hirst* in view of *Bullock* in further view of *Wheeler* (U.S. Patent No. 6,467,888). Applicants respectfully traverse this rejection.

a. Claim 2

As noted above, claim 1 is allowable over *Hirst* and *Bullock*. Furthermore, Applicants finds nothing in *Wheeler* to remedy the deficiencies of *Hirst* and *Bullock* regarding the claim 1 feature of a "printer consumable coupled to the print characteristics transfer mechanism in order to update the set of updateable print characteristics in the printer memory if the print characteristics are compatible with the printing capabilities of the printer, wherein the updateable characteristics include finishing processes." Therefore, claim 2 which depends from claim 1 is also allowable.

b. Claims 12-15 and 17

As provided in independent claim 12, Applicants claim:

A flexible printing system comprising:

a printer comprising: programmable memory that stores updateable print characteristics after making a determination that the print characteristics are compatible with the printing capabilities of the printer; and a radio frequency receiver; and

a printer consumable comprising memory that stores a set of printer characteristics and a radio frequency transmitter that transmits

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the printer characteristics to the radio frequency receiver, wherein the updateable characteristics include finishing processes.

(Emphasis added).

Applicants respectfully submit that independent claim 12 is allowable for at least the reason that *Hirst* in view of *Bullock* does not disclose, teach, or suggest at least "a printer comprising: programmable memory that stores updateable print characteristics after making a determination that the print characteristics are compatible with the printing capabilities of the printer; and a radio frequency receiver," as recited and emphasized above in claim 12.

In particular, Applicants respectfully submit that the cited art fails to teach or suggest that print characteristics are updated based upon compatibility of the print characteristics with the printing capabilities of the printer. Rather, in much or all of the cited art, updates are performed based solely upon a replacement of a printer consumable.

Therefore, a prima facie case establishing an obviousness rejection has not been made. Thus, claim 12 is not obvious in view of the cited references, and the rejection should be withdrawn for at least this reason alone. Likewise, the rejections of claims 13-15 and 17 should be withdrawn for similar reasons.

4. Response to Rejection of Claims 3, 5, and 6 Under 35 U.S.C. § 103(a)

Claims 3, 5, and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hirst* in view of *Bullock* in further view of *Arthur* (U.S. Patent No. 5,049,898). Applicants respectfully traverse this rejection.

As noted above, claim 1 is allowable over *Hirst* and *Bullock*. Furthermore, Applicants finds nothing in *Arthur* to remedy the deficiencies of *Hirst* and *Bullock* regarding the claim 1 feature of "a printer consumable comprising memory that stores a set of print characteristics, the printer consumable coupled to the print characteristics transfer mechanism in order to update the set of updateable print characteristics in the printer memory if the print characteristics are compatible with the printing capabilities of the printer, wherein the updateable characteristics include finishing processes." Therefore, claims 3, 5, and 6 which depend from claim 1 are also allowable.

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5. Response to Rejection of Claims 8, 29, and 30 Under 35 U.S.C. § 103(a)

Claims 8, 29, and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hirst* in view of *Bullock* in further view of *Emmett* (U.S. Patent No. 4,829,326). Applicants respectfully traverse this rejection.

Because independent claims 1 and 28 are allowable over the cited art of record, respective dependent claims 8, 29, and 30 (which depend from independent claims 1 and 28) are allowable as a matter of law for at least the reason that the respective dependent claims contain all the features of independent claims 1 and 28 and *Emmett* does not cure or remedy all the deficiencies of the *Hirst* and *Bullock* references. For at least this reason, the rejection of claims 8, 29, and 30 should be withdrawn.

6. Response to Rejection of Claim 11 Under 35 U.S.C. § 103(a)

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hirst* in view of *Bullock* in further view of *Fortland* (U.S. Patent No. 6,008,827). Because independent claim 1 is allowable over the cited art of record, dependent claim 11 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that the dependent claim contains all the elements and features of independent claim 1 and *Fortland* does not cure or remedy all the deficiencies of the *Hirst* and *Bullock* references. For at least this reason, the rejection of claim 11 should be withdrawn.

7. Response to Rejection of Claims 16 and 18 Under 35 U.S.C. § 103(a)

Claims 16 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hirst* in view of *Bullock* in further view of *Wheeler* (U.S. Patent No. 6,467,888) in further view of *Emmett*. Because independent claim 13 is allowable over the cited art of record, dependent claims 16 and 18 (which depends from independent claim 13) are allowable as a matter of law for at least the reason that the dependent claims contains all the features of independent claim 13 and *Wheeler & Emmett* do not cure or remedy all the deficiencies of the *Hirst* and *Bullock* references. For at least this reason, the rejection of claims 16 and 18 should be withdrawn.

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8. Response to Rejection of Claims 20, 21, 26, and 27 Under 35 U.S.C. § 103(a)

Claims 20, 21, and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hirst* in view of *Brot* in further view of *Bullock*. Claim 27 has been rejected as being unpatentable over *Hirst* in view of *Brot* in further view of *Bullock* in further view of *Sasaki* (U.S. Patent No. 6,351,317). Applicants respectfully traverse this rejection. As provided in independent claim 20, Applicants claim:

A method for updating printing characteristics in a printing system comprising a printer having a card reader and a first set of printing characteristics and a data card that stores a second set of printing characteristics, the method comprising the steps of:

coupling the data card to the card reader;

the printer reading the second set of printing characteristics from the data card;

if the second set of printing characteristics are different from the first set of printing characteristics, the printer retrieving the second set of printing characteristics from the data card; and

if the second set of printing characteristics are compatible with printing capabilities of the printer, updating the first set of printing characteristics with the second set of printing characteristics, wherein the second set of printing characteristics include finishing processes.

(Emphasis added).

In the present case, the cited art does not teach or suggest all of the limitations of claim 20, and there is no suggestion or motivation in the cited art to modify the references to include those limitations. For example, neither *Hirst* nor *Brot* nor *Bullock* teaches or suggests "if the second set of printing characteristics are compatible with printing capabilities of the printer, updating the first set of printing characteristics with the second set of printing characteristics, wherein the second set of printing characteristics include finishing processes," as recited in claim 20.

Therefore, a prima facie case establishing an obviousness rejection has not been made. Thus, claim 20 is not obvious in view of the cited references, and the rejection should be withdrawn for at least this reason alone. Likewise, the rejections of claims 21, 26, and 27 should be withdrawn for similar reasons and for the reason that *Sasaki* does not cure or remedy the deficiencies of the other references.


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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


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